

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
L.P.A.No. 111/2007.

(Agricultural Produce Market Committee, Arjuni Moregaon and another
vs. Ashok s/o Dinaji Hatzode)

Notes, Office Memoranda of

Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's
Orders.

CORAM : A.P. Lavande & R.V.More,JJ
DATE : 19.7.2007

Heard Shri Abhay Sambre, learned counsel for the
appellant and Mr. M.P.Jaiswal, learned counsel for the
respondent.

2. This L.P.A. has been preferred against the order
dated 30.3.2007 passed by the learned Single Judge in Writ
Petition No. 5907/2005 vacating interim order dated
25.1.2007.

3. The services of the petitioner were terminated by
the appellants. The respondent challenged his termination
by filing complaint before the Labour Court. The Labour
Court granted reinstatement with 50% back wages. The said
order was challenged by filing revision to Industrial Court.
The Industrial Court set aside the order of the Labour Court
and granted compensation of Rs. 1 lac. The order passed by
the Industrial Court was challenged by filing Writ Petition No.
5907/05. The learned Single Judge granted ad interim order

on 25.1.2007 staying the execution of the order passed by the Industrial Court and also issued Rule. By the impugned order the learned Single Judge vacated the stay inter alia on the ground that the courts below had concurrently held that the charges were not proved against the respondent.

4. Mr. Sambre, learned counsel for the appellants submits that if the impugned order is not set aside irreparable loss and injury would be caused to the appellant inasmuch as the appellants would not be in a position to recover the amount of Rs. 1 lac in the event writ petition filed by the appellants is allowed. He further submitted that the appellants are ready to deposit the said amount before the learned Single Judge subject to the result of the petition.

5. Mr. jaiswal, learned counsel for the respondent submits that this appeal itself is not maintainable and even on merits no ground is made out for interference in the appeal.

6. Having considered the submissions made by the learned counsel for the parties we are of the opinion that the impugned order is purely an inter locutory order and hence the L.P.A. is not maintainable. Even if the argument of Mr. Sambre that the appeal is maintainable is accepted, on merits we are not inclined to exercise jurisdiction in L.P.A. against the impugned order having regard to the facts and

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circumstances of the case. In view of the above, the appeal is summarily rejected.

Judge

Judge

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